

**IN THE UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF MISSISSIPPI**

IN RE: **VC MACON, GA, LLC**
 Debtor

CHAPTER 11
CASE NO. 18-04802-NPO

BANKPLUS

PLAINTIFF

VS.

ADVERSARY PROCEEDING NO. _____

J.F. DAVIS

DEFENDANT

NOTICE OF REMOVAL

COMES NOW VC Macon, GA, LLC (hereinafter “Debtor”), in the above styled and numbered civil action, and files this its Notice of Removal and in support thereof would respectfully show as follows, to-wit:

1. A civil action was commenced by the filing of a *Complaint* on December 21, 2018, in the Circuit Court of Madison County, Mississippi, Civil Action Number CI-2018-0276 JR by BankPlus as Plaintiff, against J.F. Davis (“Mr. Davis”) as Defendant. The Complaint seeks money damages, on the basis of a guarantee of a debt of the Debtor, against Mr. Davis, who is an insider and principal of the Debtor-in-possession in the above styled and numbered Chapter 11 case, and holds the same positions in the “related” case of VC Baton Rouge, LA, LLC, Case Number 18-04801-NPO. It appears that the underlying cause of action that is being removed to this Honorable Court has given rise to claims of indemnity by Mr. Davis against the Debtor-in-possession in the above styled and numbered case and the Debtor-in-possession in the VC Baton Rouge, LA, LLC case, based upon corporate documents and upon applicable state law.

2. The claims against Mr. Davis arise out of the failure of the Debtor-in-possession in this case and the Debtor-in-possession in the VC Baton Rouge, LA, LLC case, as the primary obligors to BankPlus, to pay the indebtedness allegedly owed to BankPlus. As a result of these

claims, Mr. Davis has correctly demanded indemnity of him from the Debtor. The Debtor, having no choice, has agreed to indemnify Mr. Davis by, among other things, actively defending the civil action that is being removed to this Court.

3. Accordingly, these matters described hereinabove are core proceedings pursuant to 28 U.S.C. § 157(b)(2)(A), (B), (M), (N) and (O).

4. On December 14, 2018 (the "Petition Date"), the Debtor herein filed its voluntary petition for relief under chapter 11 of Title 11 (the "Bankruptcy Code") in the United States Bankruptcy Court for the Southern District of Mississippi (the "Bankruptcy Court"), which case was assigned Bankruptcy Case No. 18-04802-NPO. A copy of the Notice of Bankruptcy Filing is attached hereto as Exhibit "A".

5. On December 14, 2018 (the "Petition Date"), VC Baton Rouge, LA, LLC filed its voluntary petition for relief under chapter 11 of Title 11 (the "Bankruptcy Code") in the United States Bankruptcy Court for the Southern District of Mississippi (the "Bankruptcy Court"), which case was assigned Bankruptcy Case No. 18-04801-NPO. A copy of the Notice of Bankruptcy Filing is attached hereto as Exhibit "B".

6. Pursuant to Sections 1107 and 1108 of the Bankruptcy Code, the Debtors are operating their businesses and managing their affairs as Debtors-in-Possession in both Chapter 11 cases.

7. Pursuant to Section 1107 of the Bankruptcy Code, the Debtor-in-Possession generally has all of the rights and powers of a chapter 11 trustee, as more particularly specified in Section 1106 of the Bankruptcy Code.

8. Alternatively, this action is a claim or cause of action arising in or related to a case under Title 11 of the United States Code over which the United States District

Court/Bankruptcy Court hold original, but not exclusive, jurisdiction pursuant 28 U.S.C. § 1334(b).

9. The United States District Court/Bankruptcy Court have original jurisdiction over this action pursuant to 28 U.S.C. § 1452(a) (Removal of Claims Related to Bankruptcy Cases).

10. Thus, the underlying action may be removed to this Court by the Debtor pursuant to the provisions of 28 U.S.C. § 1452(a). This Notice of Removal was properly filed within the allowed period of time by which to file as set by the Bankruptcy Court in the Southern District of Mississippi.

11. Debtor consents to entry of final order or judgment by the Bankruptcy Court.

12. Notice of the filing of this Notice of Removal has been given to all parties to the removed action as required by FED. R. BANKR. P. 9027(b).

13. A copy of this Notice of Removal is being filed with the Clerk of the Circuit Court of Madison County, Mississippi contemporaneously herewith in accordance with FED. R. BANKR. P. 9027(c).

WHEREFORE, VC Macon, GA, LLC hereby removes this case from the Circuit Court of Madison County, Mississippi, to the United States Bankruptcy Court for the Southern District of Mississippi.

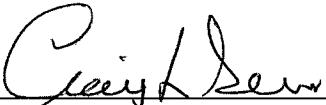
SO NOTICED, this the 25th day of January, 2019.

Respectfully submitted,

VC MACON, GA, LLC

By Its Attorneys,

LAW OFFICES OF CRAIG M. GENO, PLLC

By: 
Craig M. Geno

OF COUNSEL:

Craig M. Geno; MSB No. 4793
Jarret P. Nichols; MSB No. 99426
LAW OFFICES OF CRAIG M. GENO, PLLC
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Ridgeland, MS 39157
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CERTIFICATE OF SERVICE

I, Craig M. Geno, do hereby certify that I have caused to be served this date, via electronic transmission, a true and correct copy of the above and foregoing to the following:

Ronald H. McAlpin, Esq.
Office of the United States Trustee
ronald.mcalpin@usdoj.gov

William H. Leech, Esq.
bleech@ccta.com

THIS, the 25th day of January, 2019.


Craig M. Geno

United States Bankruptcy Court
Southern District of Mississippi

Notice of Bankruptcy Case Filing

A bankruptcy case concerning the debtor(s) listed below was filed under Chapter 11 of the United States Bankruptcy Code, entered on 12/14/2018 at 3:39 PM and filed on 12/14/2018.

VC Macon, GA, LLC
599 Highland Colony Parkway
Suite 120
Ridgeland, MS 39157
Tax ID / EIN: 27-1759911



The case was filed by the debtor's attorney:

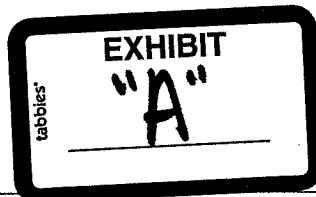
Craig M. Geno
Law Offices of Craig M. Geno, PLLC
587 Highland Colony Pkwy.
Ridgeland, MS 39157
601 427-0048

The case was assigned case number 18-04802-NPO to Judge Neil P. Olack.

In most instances, the filing of the bankruptcy case automatically stays certain collection and other actions against the debtor and the debtor's property. Under certain circumstances, the stay may be limited to 30 days or not exist at all, although the debtor can request the court to extend or impose a stay. If you attempt to collect a debt or take other action in violation of the Bankruptcy Code, you may be penalized. Consult a lawyer to determine your rights in this case.

If you would like to view the bankruptcy petition and other documents filed by the debtor, they are available at our *Internet* home page www.mssb.uscourts.gov or at the Clerk's Office, 501 East Court Street, Suite 2.300, P.O. Box 2448, Jackson, MS 39225-2448.

You may be a creditor of the debtor. If so, you will receive an additional notice from the court setting forth important deadlines.



Danny L. Miller
Clerk, U.S. Bankruptcy Court

United States Bankruptcy Court
Southern District of Mississippi

Notice of Bankruptcy Case Filing

A bankruptcy case concerning the debtor(s) listed below was filed under Chapter 11 of the United States Bankruptcy Code, entered on 12/14/2018 at 3:31 PM and filed on 12/14/2018.

VC Baton Rouge, LA, LLC
599 Highland Colony Parkway
Suite 120
Ridgeland, MS 39157
Tax ID / EIN: 27-1764710



The case was filed by the debtor's attorney:

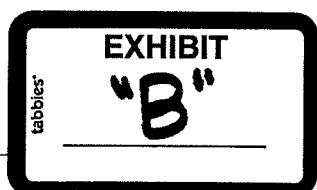
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If you would like to view the bankruptcy petition and other documents filed by the debtor, they are available at our *Internet* home page www.mssb.uscourts.gov or at the Clerk's Office, 501 East Court Street, Suite 2.300, P.O. Box 2448, Jackson, MS 39225-2448.

You may be a creditor of the debtor. If so, you will receive an additional notice from the court setting forth important deadlines.



Danny L. Miller
Clerk, U.S. Bankruptcy
Court